



# UNITED STATES PATENT AND TRADEMARK OFFICE

*first*

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,537	12/04/2000	Kagumi Moriwaki	44084-483	4339
7590	04/25/2005		EXAMINER	
MCDERMOTT, WILL & EMERY 600 13th Street N.W. Washington, DC 20005-3096			HENN, TIMOTHY J	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 04/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/727,537	MORIWAKI, KAGUMI
	Examiner	Art Unit
	Timothy J Henn	2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 21 October 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-15 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-15 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 04 December 2000 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 21 October 2004 have been fully considered but they are not persuasive. Applicant argues that Parulski does not disclose storing a "kind" or "type" of object in an image. However, the examiner notes that "kind" and "type" do not require specific descriptions of the object in an image. The Fourth Edition of the American Heritage College Dictionary defines "kind" as "A group of individuals linked by traits held in common" and defines "type" as "A number of people or things having in common traits or characteristics that distinguish them as a group or class". The grouping of specific images as "Vacation Images" or applying specific creative details to a taken image by Parulski meets the both the definition of "kind" and "type". Therefore, the rejections based on Parulski are maintained.

Applicant also amends claims 1, 12 and 13 to include the limitation of separate memories for storing frames representing an ideal region and image data. However, this limitation is also disclosed by Parulski, see column 3, lines 5-26. The amendments to claims 7 and 9-11 overcomes the rejections under 35 U.S.C. §112 second paragraph, these rejections are therefore withdrawn.

### ***Claim Rejections - 35 USC § 102***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 8-11, 14 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Parulski et al. (US 6,573,927).

**[claim 8]**

In regard to claim 8, note that Parulski et al. discloses an image processing device (Figure 1b, Item 14) for image processing of an image data including an photographic object, comprising: a reading device (Figure 1b, "MEMORY CARD INTERFACE") for reading the image data (i.e. a captured picture) and an information having a kind of an object in the image data (e.g. Appendix 1; "%AlbumHeading: ~Vacation images~") and an object area data in which the object is arranged within the image data (i.e. crop section; Appendix 1; Column 5, Lines 48-50); and a photographic image corrector for correcting the image data based on the information (Column 5, Lines 46-48), wherein the photographic image corrector corrects the image data in the object area in which the object is arranged by using a specific correction parameter corresponding to the object that is arranged in the object area (c. 7, %ImageRef: CreativeDetail1 specifies that the object is to be corrected using the specific correction parameters defined in the CreativeDetail1 section).

**[claim 9]**

In regard to claim 9, note that Parulski et al. discloses the reading device reads the image data and the information from a removable recording medium (Figure 1b; "MEMORY CARD INTERFACE") or a digital imaging device through a communication (Figure 1b, "COMMUNICATIONS NETWORK").

**[claim 10]**

In regard to claim 10, note that Parulski et al. discloses an image processing device (Figure 1b, Item 14) for image processing of an image data including a photographic object, comprising: a template memory for storing a template which is a previously prepared image data (Column 5, Lines 46-48); a reading device (Figure 1b, "MEMORY CARD INTERFACE") for reading the image data (i.e. a captured picture) and an information having a kind of an object in the image data (e.g. Appendix 1; "%AlbumHeading: ~Vacation images~") and an object area data in which the object is arranged within the image data (i.e. crop section; Appendix 1; Column 5, Lines 48-50); and a template combining means for combining the template from the template memory with the image gate based on the information (Column 5, Lines 46-48).

**[claim 11]**

In regard to claim 11, note that Parulski et al. discloses the reading device reads the image data and the information from a removable recording medium (Figure 1b; "MEMORY CARD INTERFACE") or a digital imaging device through a communication (Figure 1b, "COMMUNICATIONS NETWORK").

**[claims 14 and 15]**

Claims 14 and 15 are method claims corresponding to apparatus claims 8 and 10 respectively. Therefore, claims 14 and 15 are analyzed and rejected as previously discussed with respect to claims 8 and 10.

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-7, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al. (US 6,573,927) in view of Iijima et al. (US 6,621,524).

**[claim 1]**

In regard to claim 1, note that Parulski et al. discloses a digital imaging device for obtaining image data as digital data of a photographic image including an object (Figure 1, Item 12), comprising: a memory for storing image data of a plurality of frames representing an ideal region of an object within an image (Figure 1, Item 32; Column 3, Lines 20-23; The office notes that different frames will select different sections of the object which will be maintained, while other sections will be overwritten by the frame's image data), each frame corresponding to object types (The office notes that different frames will correspond to different object types, for example, a "Happy Birthday" frame would correspond to a picture of a birthday party) and including data representing an area corresponding to the ideal region (i.e. the area which is not overwritten by frame data); a frame selector for selecting a frame from the plurality of frames as a selected frame (Column 5, Lines 35-50); a display device for displaying the selected frame superimposed on a monitor image obtained by an image sensing device (Column 5, Lines 43-45); an image capture device (Figure 1, Item 20); and a recording device (Figure 1, Item 36) for recording specific information corresponding to the selected frame and the image data captured by the image capture device in association with each other (Appendix 1; The office notes that the utilization file corresponds the image

data or “a type of the object” to a selected frame) the specific information including the type of object corresponding to the selected frame (Appendix 1) and data representing an area corresponding to the ideal region for the selected frame (Appendix 1, the specification for which creative detail is to be applied to an image specifies the “area corresponding to said ideal region”). Therefore, it can be seen that Parulski et al. lacks an image capture device which captures image data based on the a monitor image.

Iijima et al. discloses a digital camera which captures an image based upon a monitor image superimposed by a template image (Figure 9, Figure 10) to allow the user to line up a template image and picture image data properly. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Parulski et al. to use a monitor image to guide image capturing to properly align a template image and picture image data as taught by Iijima et al.

**[claim 2]**

In regard to claim 2, note that Parulski et al. teaches the use of selecting frames using keywords (Column 3, Lines 5-44).

**[claim 3]**

In regard to claim 3, note that Parulski et al. discloses storing information which has object region coordinates for specifying the object region (i.e. crop section; Appendix 1; Column 5, Lines 48-50) and an object name for specifying the type of object (e.g. Appendix 1; “%AlbumHeading: ~Vacation images~”).

**[claim 4]**

In regard to claim 4, note that Parulski et al. further discloses an image corrector for correcting the image data based on the information (Column 5, Lines 43-46).

**[claim 5]**

In regard to claim 5, note that Parulski et al. further discloses a template memory for storing a template which is a previously prepared image (Figure 1, Item 36; Column 3, Lines 5-24); and a template combining means for combining the template from the template memory with the image data based on the information (Column 5, Lines 43-46).

**[claim 6]**

In regard to claim 6, note that Parulski et al. in view of Iijima et al. discloses a digital imagining device as claimed in claim 1 (see above). It is further noted that Parulski et al. further comprises a computer having a reading device for reading the information and the image data from the recording medium (e.g. Figure 1b, Item 14), and an image corrector for correcting image data based on the information (Column 5, Lines 46-48).

**[claim 7]**

In regard to claim 7, note that Parulski et al. in view of Iijima et al. discloses a digital imagining device as claimed in claim 1 (see above). It is further noted that Parulski et al. further comprises a computer (e.g. Figure 1b, Item 14) having a template memory for storing a template which is a previously prepared image, a reading device for reading the information and the image data from a recording medium, and a

template combining means for combining the template from the template memory with the image data based on the information (Column 5, Lines 46-48).

**[claims 12 and 13]**

Claim 12 and 13 are method claims corresponding to apparatus claim 1. Therefore, claims 12 and 13 are analyzed and rejected as previously discussed with respect to claim 1.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following further shows the current state of the art in image processing based on user selected frames:

i. Parulski US 6,072,962

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

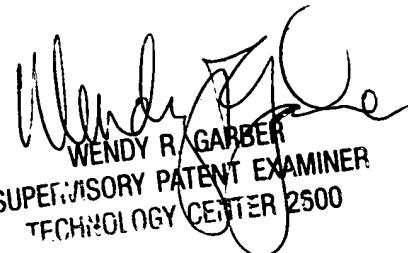
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J Henn whose telephone number is (571) 272-7310. The examiner can normally be reached on M-F 9:00 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R Garber can be reached on (571) 272-7308. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TJH  
2/16/2005



WENDY R. GARBER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2500